II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 October 1976

relating to the urgent supply of skimmed-milk powder to the World Food Programme as food aid for India

(Only the French, German and English texts are authentic)

(76/824/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products (1), as last amended by Regulation (EEC) No 559/76 (2), and in particular Articles 7 (5) and 28 thereof,

Whereas Council Regulation (EEC) No 1299/76 of 1 June 1976 on the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1976 programme (3), provides *inter alia* for 20 000 metric tons of skimmed-milk powder to be made available to the World Food Programme (WFP) for India ; whereas the WFP has requested the delivery of 7 207 metric tons ;

Whereas Article 5 of Council Regulation (EEC) No 1298/76 of 1 June 1976 laying down general rules for the supply of skimmed-milk powder as food aid to certain developing countries and international organizations under the 1976 programme (4), as amended by Regulation (EEC) No 2017/76 (5), stipulates that the costs of delivery shall be determined by a tendering procedure or, in the case of an emergency action, by a procedure of mutual agreement ;

Whereas, in view of the need to provide immediate aid, it is necessary to have recourse to a procedure by mutual agreement for this supply ;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION :

Article 1

1. In accordance with the provisions of Regulations (EEC) No 1298/76 and (EEC) No 1299/76, a lot of 7 207 metric tons of skimmed-milk powder shall be delivered to the WFP for India, divided as follows :

— lot A : 3 207 metric tons,

— lot B : 3 000 metric tons,

— lot C : 1 000 metric tons,

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 146, 4. 6. 1976, p. 5.
(4) OJ No L 146, 4. 6. 1976, p. 3.
(5) OJ No L 224, 16. 8. 1976, p. 1.

2. The skimmed-milk powder shall be taken from :

— the Irish intervention agency as regards lot A,

— the German intervention agency as regards lot B,

— the Luxembourg intervention agency as regards lot C.

Article 2

1. The skimmed-milk powder shall meet the requirements as to quality and packing laid down in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 on detailed rules of application for public storage of skimmed-milk powder (1), as last amended by Regulation (EEC) No 1457/75 (2).

2. The intervention agencies concerned shall supply a further 2 % of empty bags identical to those containing the goods.

3. The intervention agencies concerned shall have the following marking printed in the bags, in letters at least one centimetre high :

'Skimmed-milk powder / Gift of the European Economic Community / World Food Programme action'.

This marking shall be followed by the name of the port of unloading which shall be communicated by the Commission to the intervention agency concerned.

Article 3

1. Delivery shall be effected from a Community port accessible for ocean-going ships and having a regular line to the recipient country, on a date to be fixed by the intervention agency concerned and which must be later than 28 October and earlier than 15 November 1976.

2. Delivery shall be considered as completed when the goods are deposited at the point of exportation at the place designated by the WFP or its appointed agent.

Article 4

1. The intervention agencies concerned shall determine the costs of forwarding the skimmed-milk powder by concluding a private contract on the least onerous terms possible.

2. The intervention agencies shall forward to the Commission without delay a copy of such private contract.

3. They shall pay to the WFP, within 30 days maximum of the date on which the WFP takes delivery of the skimmed-milk powder, a flat-rate contribution of 80 units of account per metric ton of skimmed-milk powder supplied towards the cost of forwarding and distributing such skimmed-milk powder.

Article 5

No refund or compensatory amount (whether monetary or accession) shall be applied in respect of the skimmed-milk powder delivered pursuant to this Decision.

Article 6

This Decision is addressed to the Federal Republic of Germany, Ireland and the Grand-Duchy of Luxembourg.

Done at Brussels, 11 October 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

(1) OJ No L 184, 29. 7. 1968, p. 34.
(2) OJ No L 145, 6. 6. 1975, p. 17.